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Securities of Samuel H. Bunch.

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SECURITIES OF SAMUEL H. BUNCH.

FEBRUARY 13, 1850.

Laid upon the table.

Mr. R. W. JOHNSON, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition (with accompanying papers in that case) of E. D. McKinny, R. J. McElhany, and N. R. Smith, securities of Samuel H. Bunch, late Osage agent, praying to be released from liability on account of one thousand dollars alleged to have been stolen from said Bunch, report:

That they have had under consideration the facts of this case, and, as the fullest exhibition of them, they incorporate the petition of E. D. McKinny, and others, marked as exhibit A; also the letter of Mr. Medill, Commissioner of Indian Affairs, (and papers in said letter referred to, numbered from one to six,) marked as exhibit B.

The release of the security by the government in any case where the principal in the bond is an officer of government, and, in the failure to discharge his duty, has become liable, is an act of questionable propriety; but to release the security when, by gross negligence, the government has sustained a loss, is a proposition that should never be entertained. Such has been the case here. Your committee recommend the rejection of the prayer of the petitioners, and ask that they be discharged from the further consideration, &c.

A.

To the Senate and House of Representatives of the United States.

Your petitioners, humbly praying for relief as the securities of Samuel H. Bunch, late Osage sub-agent, represent:

That the said Bunch has left the State of Missouri and removed to Tennessee; that we are his securities on his official bond as Osage sub-agent; that he is a defaulter to the general government, and that we, as his securities, will have the defalcation to meet—the said Bunch having no property unincumbered in this State (Missouri); that one thousand dollars of Osage annuity money, charged against said Bunch, and us as his securities, was stolen from said Bunch in the Osage nation, by an Osage Indian, one

Lewis Mograin; that the said Lewis Mograin confessed this fact at the time of his arrest, (see evidence,) and that the said Mograin, as your petitioners are credibly informed, also confessed his guilt upon the charge of stealing the said one thousand dollars, before the district court at Little Rock, Arkansas, and has received sentence therefor. In view of all these facts, supported by the evidence herewith forwarded, your petitioners humbly pray relief from the Congress of the United States as to the item of one thousand dollars stolen from said Bunch by said Lewis Mograin; and, as in duty bound, your petitioners will ever pray, &c.

E. D. McKINNY,
R. J. McELHANY,
N. R. SMITH.

B.

WAR DEPARTMENT,
Office Indian Affairs, June 2, 1848.

SIR: I have had the honor to receive your letter of the 30th ultimo, enclosing a petition from E. D. McKINNY and others, sureties of Samuel H. Bunch, late sub-Indian agent for the Osage tribe of Indians, praying to be released from the payment of the sum of \$1,000, stolen from the said Bunch.

The accompanying papers, marked from 1 to 6, inclusive, afford all the information to be elicited from the files of this office, having a bearing upon the subject. They are as follows, viz:

1. Copy of S. H. Bunch's letter to the superintendent Indian affairs, reporting the loss of the \$1,000, dated 22d February, 1847.

2. Extracts from the report of Thomas H. Harvey, superintendent, &c., on affairs of the Osage sub-agency, dated 9th April, 1847.

3. Copy of a statement made by Wm. Cobb, referred to in the above report.

4. Extracts from the minutes of the council held by the said superintendent with the tribe, also enclosed in said report.

5. Copy of the report of William Devereux, special agent, who was instructed by this office to investigate the charges against the said Bunch.

6. Copy of a letter from the present sub-agent for the Osages, respecting the application of the sureties above mentioned.

The only action had by this office upon this matter, was to disallow the item when introduced by Bunch into his accounts, in which he claimed a credit for it. I understand, however, that the accounting officers are now preparing the requisite papers, in order that suit may at once be commenced on Bunch's bond.

The petition referred by you is herewith returned.

Very respectfully, your obedient servant,

WM. MEDILL.

Hon. J. THOMPSON,

Of the Committee on Indian Affairs, House of Reps. U. S.

No. 1.

OSAGE SUB-AGENCY, *February 22, 1847.*

SIR: With much regret I have to inform you of the loss of one thousand dollars of the Osage's annuity, the circumstances of which I should have communicated before. On my arrival in October last with the annuity, my first object and care was to deposite the money in the most secure place; and did so, as I thought, by placing the same on some planks upon the joists of the office, over the head of a bed. The Osages being at that time on their fall hunt, there were but few persons about the agency. I did not apprehend any danger for the safety of the money; but two or three days after, it was discovered that one of the boxes was missing. Circumstances led me to suspect Lewis Mोगrain, a half-breed, living near the agency, and in whom I had placed much confidence, had stolen the money. I accordingly procured the assistance of soldiers from Fort Scott, and had him arrested, when he confessed the theft, and was conveyed to Fort Scott, from which place he was sent by Captain Burbank to Jefferson, where he was committed, and awaits his trial at Little Rock, Arkansas.

The Osages refuse their annuity, in consequence of the retention of \$1,000 for corn furnished them last winter, and the loss of the \$1,000.

Very respectfully, I am, sir, your most obedient servant,

SAML. H. BUNCH,
Osage Sub-agent.

THOS. H. HARVEY, Esq.,
Superintendent Indian Affairs, St. Louis.

No. 2.

Extract from the report of Thomas H. Harvey, Esq., Superintendent Indian Affairs at St. Louis, in relation to affairs at Osage sub-agency, dated April 9, 1847.

"You will perceive [by the minutes] that the Indians in council have spoken freely of Mr. Bunch; all they said of him was written down in the journal; his son-in-law was present (Mr. Coleman); his absence placed me in a very disagreeable position.

"I will not say that their charges in detail are true; but I fear that there is too much reason to believe that they are in substance correct. There is no doubt but that there has been a great deal of whiskey-drinking about the agency. While I was in the country, Dr. Blake had a drunken spree for several days; had a fight; or rather was whipped by one of the Smiths. I wrote a letter to Mr. Bunch, instructing him to remove him from the country. Enclosed you will find a statement of Wm. Cobb, a respectable man, in relation to conduct at the agency about the time the money was lost; this statement was obtained by Mोगrain's counsel, but signed by Cobb in my presence, and is no doubt strictly true. I have no doubt but the money was lost through the most culpable neglect, and it is exceedingly doubtful whether the thief has been apprehended or not.

"I regret exceedingly that my duty compels me to speak in other terms than commendation of any agent; but I am constrained to say, from reliable information, that there has been a habit of whiskey-drinking and drunkenness about the Osage sub-agency that is unknown to the service."

No. 3.

William Cobb says that he was at the agency on Monday, the day after the money was brought there by General Bunch; that Lewis Mograin, when he arrived at the agency, was sitting out on the blocks, and that he did not see him in the office; that Mograin left the agency in a short time; that after Mograin left, and about eleven o'clock on said day, he was in the office of General Bunch; and that Bunch said it had been said that he could not bring the Osage annuity money there; but that he had brought it, and that it was all there safe. Bunch told him how many boxes of money he brought, and that all the boxes but one were lying on two or three loose planks on the joists of the office; that there was no loft in the office, and that he could see the boxes lying on the planks; that there was one box on the table in the office; that he counted the boxes, and the number corresponded with the number stated by General Bunch; that there were several wagoners there, also a discharged soldier, by the name of Adams, who was working for Bunch, and a half breed Indian by the name of Marcus Swiss; that Swiss was lying on the ground very drunk; that Adams was considerably intoxicated, and that one of the wagoners was very much under the influence of liquor; that General Bunch had a jug of liquor in the house, and that they frequently were invited by Bunch to go into the house to drink; and that Bunch and the rest of the company drank frequently through the day; he does not think that Bunch was drunk; that Adams was a low, worthless fellow, of bad character; that Bunch, after he had taken Mograin to Jefferson city and returned, told him that Mograin, on the road to Jefferson, beyond Warsaw, had confessed that he took the money, and that the persons who were in the wagon heard him; and that Mograin said he had given the money to his sister; and that Smith, a soldier who was along, damned him, and asked him why he had not told them of that before he left the Osage nation.

WILLIAM COBB.

No. 4.

Extracts from the minutes of a council held by Major Thomas H. Harvey, superintendent Indian affairs, with the Osage Indians, in April, 1847.

FROM TALK OF WHITE-HAIR, PRINCIPAL CHIEF.

"When the agent first came, he turned out the interpreter without any fault or complaint; removed all the Indians, by telling them they must go to the summer hunt. After the Indians had all gone out last fall, he brought up the annuities; when he brought the money, he did not place it where I think it ought to have been placed. My friend, I did not think when the money and goods were brought, that the agent was sober; what I say; do not give as opinion—I can prove it by white men; as I told you before, when the money and goods came, the Indians were nearly all on the hunt; there were a few Osages at the agency at the time; the whites do not listen to Indians, is the reason I do not name them. This is the kind of man our Great Father has sent us. My brother chiefs are older than I; ask them if any one ever heard that any agent before lost money in the Osage country. When the money came, if he had been

sober, he would have put it where it ought to have been *put, and locked it up*; if none but Osages had been there, the money would not have been stolen; if a white man was with an Osage, and he had money, and the Osage knew it, I do not believe he would lose a dollar. Joseph Swiss (half-breed) and myself brought out \$3,000 from Fort Scott for Sub-agent Edwards—not a dollar was lost; there was no white man along, is the reason, I suppose, none was missing; it is the habit of bad white men to kill for money; I never knew an Osage to kill for money.

“When the money was stolen, he laid it to one of our men, (half-breed); he did not steal it; nobody saw him take it; he just took him because he thought he took it. After the money was stolen the agent went to the State and stayed several days, came back, and sent for the dragoons, and had the man taken up; he is subject to attacks of insanity; we all knew that when a great many people would get around him and talk to him, that it would confuse him, and he would not talk straight; I do not like to tell you all about it; I will cut short and say he is innocent. Afterwards it was found out that another had the money, and the man that discovered it is about here now; the day I heard it I went to the house to take it; while I was at the house Dr. Blake sent Marcus Swiss to request me to meet him at Aikins’; the next morning I did so; if Dr. Blake had not come I would have taken some half-breeds and taken the money, but the Doctor coming made me lose the track of the money; when I met the Doctor he told that there were too many to go—we should scare the women, (whites;) three half-breeds, four Osages, and three whites, went; we found money; the Doctor took some in his hand and said, this is the money; if it had been any other chief of any other tribe, I suppose he would have taken the money and the goods that had been bought, and sent the people off; when I saw the money I told the Doctor it was our money—we ought to take it; he said no, I will send for the agent—he will come and release Lewis McGrain. When we found the money we knew the white man had stole it, but the Doctor said if the white man had it, Lewis stole it, and the white man must have stole it from Lewis; I think the agent is not gone to the trial of Lewis, but is hunting up the white man. When the agent went off with Lewis I returned and came back; Osages were there, but I will not tell you what they say. When our people go to war and kill, we are glad; we get on our horses and ride around the town and fire guns; the agent came back firing his pistol, hallooing, ‘Lewis, I have got back.’ The white men on the line live several in a house; if an Osage should go there and do so, he would be killed on the spot. I have told you Lewis did not take the money; a white man took it; I have seen that to my satisfaction. I did not see a paper that said it was the money; the Doctor looked at it and said he was satisfied it was the money.

“I understand the Doctor has been struck lately in a drunken frolic (by Hunt, blacksmith); I am afraid some of our young men may strike him in a drunken frolic; and they may be taken off in the same way that Lewis was; the Doctor is in the habit of drinking; and if a white man should hurt him they may take off an Indian as they did Lewis, and then brag about it.”

FROM TALK OF BIG CHIEF, LITTLE OSAGE.

"In the middle of the winter I heard of an act he had done; I understood he had brought up the annuity and let one box be stolen; I was at Ewing's trading-house; the agent came there; I had not much conversation with him; I wanted to talk with him, but he seemed to avoid me; I wanted to hear the truth about the money. I asked him if he had come—he said, yes; I asked him if he was well, and if everything went right; he told me there was a great deal of talk by the white people around him; he told me they accused him of losing three boxes of your money; he said there had been one stolen since he brought it in the country. I told him a great many persons and agents had come into the country; that he never knew any that did not lock up what they brought. I told him that heretofore when agents brought money in the country, they locked it up and put a guard around the house. I wanted to know what he had been doing to lose the money; he told me that when he brought that, it was stolen, he thought, while they were taking it from the wagon to the house, but did not miss it at that time, but when he looked over it a day or two afterwards it was missing, but did not know when it was taken. He told me that when he missed the money he collected all the people about the agency; they thought that Lewis must have stolen it; he told me that no one saw Lewis take the money, but I had him taken and put in jail. I do not know why he took him; no white or red man saw him take the money. White-Hair told the agent he had seen some of the money in the hands of the whites. I do not know how they should have taken Lewis. The agent's acts have been bad; to make them worse he has lost a box of our money. We are all dissatisfied with him; we are satisfied, as he has not made his appearance since you have come, that he is not a good man. We have been saying but little about him on account of his absence; he is not present; we do not feel willing to say more, though we have much to say. George White-Hair lives near him; knows all about him; he has told you."

No. 5.

WAR DEPARTMENT,
Office Indian Affairs, November 24, 1847.

SIR: In obedience to your instructions of August 31, 1847, I proceeded to the Osage sub-agency and entered upon the duties with which I was charged as special agent of the department. For a full detail of the course I pursued and the result of my efforts in endeavoring to procure from Samuel H. Bunch, sub-agent for the Osages, the moneys in his hands, I refer you to my letter of the 2d October, which I had the honor to address to you from Springfield, Missouri. And I beg leave also to refer to my second letter dated St. Louis, November 2d, for a full statement of the circumstances connected with the payment to the Indians. I need hardly repeat here, that the mass of the Indians were well pleased with the arrangement of the department in regard to payments to heads of families; and though this course was stoutly and strenuously opposed by the chiefs, yet such was the decided satisfaction of the Osages generally, that they (the chiefs) dared not urge their objections to their bands, but after I had ascertained the wishes of the people, they themselves hushed all murmurs

against the per capita payments, and quietly acquiesced in the payment, receiving their own portions cheerfully.

I should have stated in my communication from St. Louis, that I informed the Indians, agreeably to my instructions, that it was the determination of their Great Father hereafter to make the payment of their annuities *semi-annually*—the one-half in the spring, the other half in the fall—and told them that this determination had been adopted from motives of policy, as well as of humanity, to furnish them with means at seasons when they would most need them, and also to protect them from the wiles of whiskey sellers and sharpers, who are numerous located close to the line in the several States bordering on the Indian country, where the intercourse law cannot reach them. With this arrangement they expressed themselves well satisfied. But they entered their unanimous and solemn protest against remaining in the superintendency of Major Rutherford—to which superintendency they had been recently transferred. The reasons advanced were, that they had no business whatever in the direction of that superintendency, but under present arrangements they would be compelled to go there, and on the journey some of their young men would most likely come in contact with other Indians, and hence their apprehension that it would lead to tumult and result in bloodshed.

I shall now proceed, as briefly as practicable, to report upon the charges stated, and which I was directed to investigate, against Sub-agent Bunch.

The first charge is in the following words:

“That Mr. Bunch spends a great portion of his time at his farm in Missouri, some hundred miles from his agency; absenting himself without leave from his superior officer, and thereby neglecting his official duties, much to the dissatisfaction of the Indians.”

From the Indians in open council, and from the information which I succeeded in obtaining from many white persons living on the frontier and familiar with the affairs of the Osage sub-agency, and all well acquainted with Sub-agent Bunch, I have the honor to report, in reference to the first charge, that the said Bunch was, since he entered upon the duties of his office, in attendance at the sub-agency some *two months in all*; and for the whole of the time remaining absented himself from the sub-agency, without leave.

Mr. Bunch, I learned, had met the Osage chiefs in council but on a single occasion, and that very shortly after his appointment; and on this occasion gave great offence to the chiefs by the strange and arbitrary course he declared it his design to pursue. From many witnesses, white and red, I learned that at this council or talk, Sub-agent Bunch made use of the following intemperate language in an address to the chiefs: “If I am not king of the Jews, I mean to be a king any how, and the chiefs *shall* do as I direct in all cases.”

Second charge: “That in some cases he has not been present at the agency to sign his quarterly financial and other statements, and his name has been improperly signed to them by another person.”

Said Bunch himself admitted to me that he had not been present at times at his sub-agency to sign his name to his official papers, having, as he stated, employed Dr. Blake as his clerk, and authorized said Blake to sign his (Bunch's) name, not being aware that his own actual signature would be required.

Third charge: “That in consequence of his absence from his agency,

his neglect of the Indians, his not inquiring into their welfare and wants, and his not treating them with a proper degree of consideration and attention in his intercourse with them, he has rendered himself so obnoxious to them; they have no confidence in him, desire no further intercourse with him, and wish his removal."

I report, upon the third charge, that the whole and every part of said charge is fully and substantially affirmed by the Indians themselves, and corroborated to its fullest extent by the statements of many respectable white men, whose names will be furnished if required by the department.

Fourth charge: "That he keeps, and has for some time kept, in his employ at the agency, a Dr. Elias G. Blake, by whom he is represented in his absence; whom the Indians call the second agent, and who is a drunkard; and altogether unfit, from his character and habits, to be in the Indian country."

Unpleasant as the duty is to report upon the bad conduct and disgraceful habits of a fellow-being, yet, as it has been made my duty in the present instance to do so, I report, that from various credible sources I ascertained that the above charge is not only true as far as it goes, but that the conduct of the individual mentioned has been infinitely more reprehensible and shameless than even the above severe charge would indicate. I learned that during the time Dr. Blake was under the employ of said Bunch, the said Blake was in the daily and constant habit of most disgusting intoxication, and at one period nearly put an end to his miserable existence by bringing upon himself delirium tremens, or mania-a-potu. From a most respectable and reliable source, I also learned that this Blake, on one occasion, rode off a mule which had strayed to the agency, and instead of taking care of it, as had been the practice at the various agencies of the west, until the owner could be found, gambled it off at Fort Scott, losing at the same time the whole of his wearing apparel, down to his boots. The winner (Talbutt) was generous enough to the Doctor to make him a present of his boots and coat, dressed in which alone, and on foot, he left the post for the sub-agency.

Fifth charge: "That there is and has been much whiskey drinking in and about the agency, in which he has himself more or less participated."

In reporting upon this charge, I will state that from all quarters I ascertained that whiskey drinking has been carried on at the sub-agency during the period of Mr. Bunch's incumbency, to a disgraceful extent, his clerk or deputy, Dr. Blake, being seldom if ever sober; and upon occasions, when Mr. Bunch himself was present, frolicking and whiskey drinking were the principal business attended to. Bunch's very first act in assuming the office was to give an order to the blacksmith, Hunt, to procure a barrel of whiskey for the use of the sub-agency, and to treat everybody that came to the agency, white and red. Soon after his appointment the annuity money and goods for 1846 were brought to the sub-agency—on a Sunday evening in September (I think) of that year. The boxes were carelessly stored on loose boards across the rafters in the agency house; and during the same night Sub-agent Bunch, Dr. Blake, Jack Adams, (a disbanded soldier of a notoriously bad character,) the teamsters, with other white men and several Osages, engaged in a drinking *spree*, which was kept up as long as some of the party were able to stand and keep awake. That same night a box containing \$1,000 was stolen, it is supposed; the doors of the agency house being open all night, though it was not until

the Tuesday morning succeeding that the box was missed. On that morning Sub-agent Bunch followed the returning teamsters fifty miles, under the belief, as he avowed, that the box had been left in the wagon; thus showing that he had not even taken the pains to ascertain how many boxes were really delivered by the teamsters.

The last charge is as follows: "That he was guilty of great neglect in not attending properly to the wants and necessities of the party of New York Indians removed and put under his charge last summer; in consequence of which they suffered much privation, and many of them died."

In investigating this charge, I made diligent inquiry among the persons most likely to be acquainted with the circumstances. I omitted to mention sooner in this report, that on the 2d ultimo I had furnished Sub-agent Bunch with a copy of the foregoing charges, and called upon him to produce before me any testimony of a defensary character he thought proper. Without offering anything in relation to the first five charges, Sub-agent Bunch, on the evening before I left the Osage village, requested me to take Fort Scott in my return route to Kansas, on the Missouri river—stating that he would there furnish me with evidence of his attention to the New York Indians, and fully rebut the charges preferred against him. Though Fort Scott was considerably off the direct route, I consented to visit that post, anxious to do full justice to Mr. B. On my arrival there, I was informed by the post sutler that Bunch had left several hours before my arrival—having placed in said sutler's hands, for the signatures of the officers of the post, a certificate herewith enclosed, marked A. The sutler also informed me that he had presented said paper to the several officers then at the post; and that each and all had peremptorily refused to put their names to the paper. I had an interview here with the intelligent and courteous officers of Fort Scott—Captain Burbank and Lieutenant Wallace—from whom I learned that the party of New York Indians were greatly neglected, and that the provisions furnished for them by Sub-agent Bunch, or under his orders, were mostly unfit for use—Captain Burbank himself having condemned large quantities of these supplies. I also learned from reliable sources that Bunch had never visited the party but once; that Captain Burbank had paid the party all the attention within his power; that the surgeon of the post visited the sick, and rendered every possible assistance; and that one of the buildings at the fort was tendered to their use as a hospital, but that there had been woful neglect on the part of the agent to whose charge they were assigned. The party had encamped in a sickly locality, and this, with the bad quality of the provisions furnished for them, had doubtless greatly added to their sickness and suffering.

I previously ascertained that the provisions for these Indians were furnished by a contractor named McCurdy; and it was represented to me by various respectable persons that the bacon furnished by him under said contract had been on hand over a twelvemonth; and that Bunch had not yet paid McCurdy the amount, \$975, of his account for these supplies; and that, from the quality of the meat furnished, and the circumstances under which McCurdy procured the corn, he had been enabled to underbid all others in the country, who would have furnished fresh and wholesome rations.

It may not be out of place to mention here that Sub-agent Bunch gave me to understand at General William Campbell's and at Springfield, that,

besides the money turned over to me at the latter place, he had funds on deposit at Fort Scott with the assistant quartermaster of the post. While at this post, I felt it my duty to make inquiry in relation to this matter; and in reply to my request for information, the accompanying brief statement, marked B, was furnished.

The original paper containing the charges against Sub-agent Bunch is herewith, marked C.

Very respectfully, your obedient servant,

WM. DEVEREUX, *Special Agent.*

HON. WILLIAM MEDILL,

Commissioner Indian Affairs.

No. 6.

CARTHAGE, JASPER COUNTY, MISSOURI,
April 29, 1848.

SIR: Since my arrival at this place, I learn that the securities of Bunch (late Osage agent) have applied to be released from the payment of \$1,000, said to have been stolen from him by one Lewis Mogry, an Osage half-breed, and that it be deducted from the Osage annuity.

Such report will produce great excitement among the Indians. Being their agent, and believing it my duty at all times to protect their interests, I would respectfully make the following representation to the department: Mogry was arrested for the supposed theft, taken to Jefferson city, examined and committed for further trial: this took place in the winter of 1847. From Jefferson, he was taken to Little Rock for trial. In November, 1847, the court came on; but in consequence of the non-attendance of his witnesses, he was forced to continue his case. After the continuance was taken, his counsel (being convinced of his innocence) came to the conclusion his imprisonment would be shortened by his pleading guilty. The plea was accordingly filed, and Mogry sentenced to — months' imprisonment.

This was all done at the last fall term of the court. The spring term has not yet come on, and Mogry has served his time out and returned to the nation. Had the plea of guilty not been filed, he would yet be in jail, waiting his trial. The judge must have thought him innocent, or he certainly would have sentenced him for a longer time.

My authority for the above facts is respectable, and I believe them to be correct. A letter from Mogry's counsel will probably be forwarded you for further information.

I have the honor to request for the Indians, that before the department concludes to deduct this money from their annuities, they be allowed an opportunity to prove the money was stolen by a discharged soldier (Adams) who was in Bunch's employ.

I take the liberty to transmit this direct to the department, believing its importance to my Indians will justify me in so doing. A copy will be sent to the superintendent W. T.

Very respectfully,

JOHN M. RICHARDSON,
U. S. Osage Sub-agent.

HON. WM. MEDILL,

Commissioner Indian Affairs.